



ACT
Government

A CHARTER OF RIGHTS FOR PARENTS AND FAMILIES INVOLVED WITH ACT CHILD PROTECTION SERVICES

DISCUSSION PAPER



BACKGROUND

The ACT Government is developing a Charter of Rights for Parents and Families involved with ACT child protection services (the Charter).

We would like your input into developing the Charter. We really want to hear from people with a lived experience of ACT child protection services, and organisations that work with families. This document is just a starting point. The paper was used during targeted engagement with families in April – June 2022 and has been slightly modified for consultation via YourSay. Feedback from our targeted engagement with families, together with submissions received through YourSay, will inform drafting of the Charter.

In 2020, there was an inquiry into the ACT's Child and Youth Protection Services. The inquiry's report said we should base our Charter on one that was written by two experts from the Australian National University: Dr Sharynne Hamilton and Dr Valerie Braithwaite. The government agreed to use the Hamilton and Braithwaite Charter as a starting point, and this document seeks input from the community to make sure we adapt our new Charter in a way that works for the ACT. An extract from this can be found at Appendix B on pages 13–14, and the full Hamilton and Braithwaite Charter is [here](https://regnet.anu.edu.au/sites/default/files/publications/attachments/2015-05/Occasional%2520Paper_22_Hamilton_Braithwaite_0.pdf). (https://regnet.anu.edu.au/sites/default/files/publications/attachments/2015-05/Occasional%2520Paper_22_Hamilton_Braithwaite_0.pdf)

Developing the Charter is an ACT Government commitment under the Parliamentary and Governing Agreement and under *Next Steps for Our Kids 2022–2030* (Next Steps), the new ACT strategy for strengthening families and keeping children and young people safe. A commitment to develop the Charter is reflected in the 'Trust and Transparency' domain of Next Steps. This work also lines up with our obligations under the United Nations *Convention on the Rights of the Child*. For example, we should consider the rights of parents and family members in our decisions or actions around child protection.

YOUR INPUT

This document asks for your thoughts about the content and use of the new Charter. The examples, questions and prompts we have included are just a guide, and it's fine if you only want to answer some of them. You can use the spaces provided all through this document.

Please send it to us via the YourSay website or by mailing a hard copy to: Human Services Policy, Community Services Directorate, GPO Box 158, Canberra ACT 2601. Alternatively, you can give us your feedback by filling in the survey questions on the YourSay website. If you'd prefer to speak with someone to provide feedback, please email charterforfamiliesconsultation@act.gov.au

PUBLISHING YOUR FEEDBACK

We may use small sections from your feedback when we write about this work in the future, e.g. in a *'What we heard'* report. Please let us know if you **do not** want us to use quotes from your feedback. We won't ever publish any personal information, such as names.

A list of words used in this paper and what they mean are shown on page 12

SUPPORT IS AVAILABLE

The ACT Government understands some people may feel sad or upset when reading this paper, especially if they have been involved with child protection services. You may like to contact one of the services below for support:

Blue Knot Foundation Helpline Provides help, information, support or referral for adult survivors of childhood trauma and abuse, their partners, family and friends, health professionals and anyone working with people who have experienced childhood trauma and abuse. Call 1300 657 380, 9am–5pm AEST 7 days a week or email helpline@blueknot.org.au.

Kids Helpline A free 24/7 confidential and private counselling service specifically for children and young people aged 5 to 25. Call 1800 55 1800 anytime, talk [online](#) anytime, or email counsellor@kidshelpline.com.au.

Lifeline Provides 24-hour crisis counselling, support groups, and suicide prevention services. Call 13 11 14 anytime, text 0477 13 11 14 12pm–12am AEST 7 days a week, or talk [online](#) 7pm–12am AEST 7 days a week.

1800 Respect Australia's national sexual assault, domestic and family violence counselling service. Call 1800 737 732 or talk [online](#) anytime.

WHAT IS A CHARTER AND WHO IS THIS CHARTER FOR?

A charter is a set of agreed rights and responsibilities that sets out how people should interact. In this case the Charter will apply to ACT Child and Youth Protection Services and families who are involved with them. We want this to have meaning for families so that it will help to guide the relationship between parents and families and workers.

Charters help to build shared understanding about the way people can expect to interact and be treated. If someone thinks they have been treated inappropriately or unfairly, having a Charter can help them explain the problem using shared and agreed language.

The Charter will apply whenever a family is involved with ACT child protection services. For example, when Child and Youth Protection Services and/or ACT Together is involved with a family, the Charter applies to the family and the workers.

OUR STARTING POINT

The Charter will apply to child protection workers. Who else should it cover? We know when a family is involved with child protection services, they should get to have a say in decisions about their child. This is called family-led decision making. It can involve close and more distant family members, depending on their relationship with the child.

PARENTS

As a starting point, the Charter should apply to parents, including biological parents, step-parents, and adoptive parents. This includes parents who are under 18 years old, because the *Children and Young People Act 2008* (CYP Act) includes them in its definition of ‘parent’.

FAMILY MEMBERS

'Family' is broader than just parents and children, so we need to decide on other family members who should be included in the Charter. The CYP Act defines 'family member' as a parent, grandparent, step-parent, son, daughter, stepson, stepdaughter, sibling, uncle, aunt, nephew, niece, and cousin.

We want to know if the Charter should apply to any other people who may also be important in a child's life, perhaps because they regularly care for them or are involved in other ways. For example, this could be a great-aunt; a stepbrother or stepsister.

For Aboriginal and Torres Strait Islander families, ‘family member’ in the CYP Act also includes a person who has responsibility for the child in line with the traditions and customs of the child’s community.

You may want to tell us if you think the Charter should automatically apply to certain family members. Another option could be for the Charter to apply to any family member who can help with making decisions about what the child needs to be safe, healthy and happy.

There may also be other people who are not family but are very important to the child and their family, who could be included in the Charter. For example, it could include a close family friend.

YOUR THOUGHTS

Who do you think the Charter should automatically apply to?
Are there other people who should be covered by the Charter?

WHAT OUTCOMES SHOULD THE CHARTER AIM TO ACHIEVE?

The rights and responsibilities in the Charter are based on several core principles.

A **principle** is a value or belief about what is right and fair. Principles describe a broad idea that applies to everyone. For example, ‘a restorative approach that treats every person with respect, care and dignity’. Shared principles clarify the Charter’s objectives—what we hope it will achieve.

The Charter will reflect the guiding principles outlined in the Next Steps strategy. See Appendix C on page 15 for an extract from Next Steps with more information about the shared principles listed below:

- child, youth and family centred
- evidence led
- restorative
- dignity driven
- trauma informed
- culturally safe
- disability informed
- accountable.

OUR STARTING POINT

The shared principles from Next Steps can help us think about what the Charter should aim to achieve for families (its objectives). As a starting point, some possible objectives are listed below:’

- improved respect between parents, families and child protection services
- parents and families are listened to and involved in family-led decisions
- better support for families to take responsibility for keeping their children safe
- improved trust and confidence in child protection services (for families and the community)
- a consistent trauma-informed approach.

YOUR THOUGHTS

Do you agree with these objectives? Are there other things the Charter should aim to achieve?

WHAT RIGHTS SHOULD EVERYONE HAVE?

The main purpose of the Charter is to outline what families and child protection workers can expect from each other. We want to know what rights you think should be in the Charter for families and for workers.

A **right** is something everyone should be able to get, have or do. This could mean being able to do something, be free from something, or be treated a certain way.

The rights in the Charter should:

- apply to both parents and families, and workers
- focus on the best interests of children (help children be safe, healthy and happy)
- be useful to parents and families, and easy to understand
- match up with the Next Steps principles, which form a basis for the Charter.

RIGHTS MIGHT RELATE TO:





EXAMPLES OF **WHAT** THESE RIGHTS CAN MEAN

[illegible]

1 These examples are based on Hamilton and Braithwaite's suggested rights—you may have ideas for other rights that could fit in each section

EXAMPLES OF **WHAT** THESE RIGHTS CAN MEAN

RIGHT	WHAT THIS MEANS	SOME EXAMPLES ¹	YOUR THOUGHTS
	<p>Taking part in discussions and decisions This is about ensuring people can have a say in decisions about their child. It can include being invited to meetings, being encouraged to actively take part, and having your views heard and responded to respectfully. It is also about having everything you need to support you to take part, including all the information that would be helpful.</p>	<ul style="list-style-type: none"> You are asked for your views and given information about the placement and any changes; health and education; and decisions that affect your child in out of home care. You can explain your views in fair conversations that respect your right as a parent to guide decisions about your child. Child protection workers will try to arrange meetings and important events at a time that works for you. You will receive information and answers to your questions in a way that makes sense to you. 	<p>What rights do you think should definitely be included?</p> <p>Are there certain words we should use for these rights?</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
	<p>Information and privacy The ACT Government sometimes asks for personal information, like details about finances, medical history or where you work. Personal information should be stored and used in a safe way that respects privacy, and it should not be shared with anyone unless it is necessary. Parents and families should also be able to see stored information about them and their children, as much as possible in line with privacy laws.</p>	<ul style="list-style-type: none"> Your personal privacy is protected Information about you and your family is stored safely and not shared with anyone unless it is necessary. You have a right to request access to your personal information and to request amendments to correct any errors in your personal information. This right is protected by the <i>Freedom of Information Act 2016</i>, <i>Information Privacy Act 2011</i> and <i>Children and Young People Act 2008</i>. 	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

1 These examples are based on Hamilton and Braithwaite's suggested rights—you may have ideas for other rights that could fit in each section

EXAMPLES OF **WHAT** THESE RIGHTS CAN MEAN

[illegible]






1 These examples are based on Hamilton and Braithwaite's suggested rights—you may have ideas for other rights that could fit in each section

WHAT RESPONSIBILITIES WOULD BE HELPFUL?

For society to work for everyone, we all have both rights and responsibilities. Including **responsibilities** in the Charter will help build a culture of respect and collaboration (working together) in child protection services.

Responsibilities help people to agree they will behave in a certain way, e.g. being patient and calm when speaking to people who have a different opinion. This goes for families working with child protection services, and workers from those services.

It is easiest to look at these in relation to some of the rights. For example to say that one person has a right to privacy, the Charter might include the responsibility of that person to respect another's privacy.

RIGHT	RESPONSIBILITIES—SOME EXAMPLES ¹	YOUR THOUGHTS
	<ul style="list-style-type: none"> • Treat child protection workers in the same way you'd like to be treated. • Tell child protection workers if you feel they're not treating you with respect. • Tell child protection workers about any cultural, religious and medical needs for you and your child, or other needs you have. 	<p>Should these all definitely be included? Are there certain words we should use for these responsibilities? What's missing?</p> <hr/> <hr/> <hr/> <hr/>
	<ul style="list-style-type: none"> • Be honest. • Make sure your support person has all the information about your situation. 	<hr/> <hr/> <hr/> <hr/>
	<ul style="list-style-type: none"> • Try to be as flexible as possible about when you can meet with child protection workers or attend important events. • Take part in discussions about the care of your children, and ask questions when you do not understand something or need more information. 	<hr/> <hr/> <hr/> <hr/>
	<ul style="list-style-type: none"> • Respect the privacy of child protection workers and their families. • Respect children's right to privacy and their right to choose not to share information about their lives if they don't feel comfortable. 	<hr/> <hr/> <hr/> <hr/>
	<ul style="list-style-type: none"> • Tell child protection workers if you need a support person and arrange for them to come with you to meetings. • Try your best to be available for meetings with child protection workers and tell them if something will make it difficult for you to attend. 	<hr/> <hr/> <hr/> <hr/>

1 These examples are based on Hamilton and Braithwaite's suggested responsibilities—you may have ideas for other responsibilities that could fit in each section

HOW WE MAKE SURE THE CHARTER WORKS

To ensure the Charter achieves our goal of better relationships between families and the child protection system, we need to think about how it is set up, how it is used and how people learn about it.

The Community Services Directorate (CSD) and other agencies involved with child protection can work together to make sure the Charter is used to help families. Some ways to do this are shown on the right.

WORKER TRAINING

Child protection workers will need to know about the Charter and how to use it. For example, there could be training sessions on how to use the Charter.

We could also include information about the Charter in mandatory induction training, which all new workers complete when they start working in Child and Youth Protection Services (CYPS).

PUTTING THE CHARTER INTO PRACTICE

The Hamilton and Braithwaite paper shows us that the new Charter should be a framework for how families and child protection workers work with each other. The Charter will do this by stating an agreed set of values and behaviours, so families and workers have shared understandings and expectations, to support restorative practices.

We are currently exploring different avenues for putting the framework into practice, including by embedding the Charter into legislation as a notifiable instrument under the *Children and Young People Act 2008*. It is important that the Charter, and our commitment to its values and behaviours, be visible to the community and that it be considered and endorsed by the Legislative Assembly.

YOUR THOUGHTS

What do we need to get right when training CYPS workers?

What should happen if a family member feels the Charter isn't being followed by a worker?

YOUR THOUGHTS

What do you think needs to happen to put the Charter into practice?

This image shows a blank sheet of white paper with horizontal blue lines, similar to standard notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

HOW WE MAKE SURE THE CHARTER WORKS

We will make sure that families are told about the Charter and what it means, when they start dealing with child protection services.

ENSURE EVERYONE KNOWS ABOUT IT

- Parents, families, children and young people, agencies, and child protection workers should know about the Charter and be able to easily find it and use it, either online or as a printed copy. We can help by:
- making posters about the Charter easy to read and understand
 - putting information about the Charter in our CSD workspaces and meeting rooms
 - giving printed copies to parents, families and children who are involved with child protection services, or sending them a link so they can read the Charter online
 - putting the Charter on the CSD website, and sharing it on our social media pages
 - emailing community organisation and advocates (people who speak up for others to help have their voice heard) and sharing a link to the Charter.

YOUR THOUGHTS

How do we make sure everyone who needs to know, does know about the Charter?

CHECK IT WORKS WITH OTHER CHARTERS

The ACT already has a *Charter of Rights for Kids in Care* ('Charter for Kids'). It's important that the new Charter for Parents and Families fits together with the Charter for Kids. We need to make sure the new Charter doesn't make the rights of parents and families more important than the rights of kids in out of home care.

Getting the balance right is important, because the Charter for Kids only covers children and young people who can't live with their parents and are living in someone else's care. This is more limited than the new Charter, which will cover any parents and families involved with child protection services (whether their children are still living with them or not).

YOUR THOUGHTS

How would you want the Charter for Kids and the Charter for Parents to work together?

THANK YOU FOR YOUR FEEDBACK

Please send this completed document to us via the Your Say website or by mailing a hard copy to:

Human Services Policy
Community Services Directorate
GPO Box 158
Canberra ACT 2601

APPENDIX A

SOME KEY WORDS AND WHAT THEY MEAN IN THIS DOCUMENT

charter	A Charter is a document that states the rights that a person or group of people has.
child	A child is a person who is not yet an adult; they are under 18 years old (<i>Legislation Act 2001</i> (ACT) Dictionary).
child protection services	‘Child protection services’ are statutory child protection services—they operate under a law. In the ACT, they include Child and Youth Protection Services (CYPS), ACT Together, and any other agencies that operate under Chapters 3 and 10–19 of the <i>Children and Young People Act 2008</i> .
family	See page 3 for information about how we define ‘family’.
kinship carer	A kinship carer provides regular care for a child but is not their parent. The child usually lives with the kinship carer. A kinship carer may or may not be a family member of the child and may be a friend of their parents. Kinship care can be informal (arranged by the child’s family or community) or formal (arranged with help from the government).
legislation	Legislation is a law made by a state, territory, or national government.
parent	A parent can be the biological parents of a child (mother and father); an adoptive parent (person who has legally adopted the child); or a step-parent (person married to the child’s biological or adoptive parent).
principle	A principle is a value or belief about what is right and fair. In this paper we use the word ‘principle’ to describe a broad idea about how people should work together and why it’s important (e.g. building respect). Specific rights will help us achieve these principles.
responsibility	A responsibility is a duty or behaviour that someone agrees to do. It means you’ll behave in a certain way and be responsible for your actions.
right	A right is something everyone should get, have or do. This could mean being able to do something, being free from something, or being treated a certain way. There are different types of rights, e.g., legal rights (based on law) or moral rights (based on what the community believes is fair). When we talk about rights in the context of this Charter, we mean an agreed commitment by workers to respect the rights of parents and families.

HAMILTON AND BRAITHWAITE'S CHARTER

Guiding principles of rights and responsibilities for parents and family members involved with Australian Child Protection Services
'IN THE BEST INTEREST OF THE FAMILY'

	YOUR RIGHTS	YOUR RESPONSIBILITIES
RESPECT	<p>You have the right to:</p> <ul style="list-style-type: none"> • have the integrity of your family unit protected • be treated with courtesy and respect by child protection workers and other statutory representatives • have your individual human dignity valued • have your expressions of anger or frustration understood with professional sensitivity by child protection workers • be recognised and respected in your role as parent/family member in your interactions with child protection workers 	<p>It is your responsibility to:</p> <ul style="list-style-type: none"> • treat child protection workers with respect and in the same way you expect to be treated • recognise that child protection workers have a job to do and respond to workers in developing a respectful working relationship with you • tell child protection workers when you feel they, as professionals, are not taking the lead in treating you with respect
DIVERSITY	<p>You have the right to:</p> <ul style="list-style-type: none"> • be free from unlawful discrimination and have your individual needs respected regardless of race, colour, gender, sexual orientation, language, age, disability or other status 	<p>It is your responsibility to:</p> <ul style="list-style-type: none"> • ensure that child protection workers are aware of you and your children's cultural, religious and medical needs
CONSULTATION AND DIALOGUE	<p>You have the right to:</p> <ul style="list-style-type: none"> • be informed of your right to a support person • request flexibility when arranging meetings to take into account work, medical, Centrelink, or other significant commitments • be heard and have questions answered in a clear and understandable way • be consulted and kept informed of the placement, placement changes, health, education and all decisions made about your children when in out of home care • represent your position in fair and open decision making forums which respect your right as a parent to have exclusive decision making power over your child's upbringing • receive all information in a form and language that you understand and be provided with decisions and meeting discussions in writing as a matter of course 	<p>It is your responsibility to:</p> <ul style="list-style-type: none"> • tell child protection workers that you need a support person and organise for them to attend meetings with you • make yourself available, as far as possible given the constraints of other commitments i.e. Employment/ Centrelink requirements • be willing to engage • ask anything you need to know regarding your children's placement, health and education • ask questions when you do not understand • ask for confirmation of decisions/outcomes of meetings in writing

HAMILTON AND BRAITHWAITE'S CHARTER

YOUR RIGHTS

YOUR RESPONSIBILITIES

TRANSPARENCY AND ACCOUNTABILITY

You have the right to:

- honesty and to know the reasons and the evidence for actions taken by Child Protection Services
- adequate legal advice and representation in court proceedings
- to attend all meetings with a support person
- access independent advocacy and legal advice regarding your family's social needs
- have your case reviewed
- comment on any aspects of the care of your child and to have your concerns addressed
- receive information on mechanisms of complaint and redress

It is your responsibility to:

- be honest
- ask why and on what grounds actions are being taken by Child Protection Services
- ensure your support person has accurate and complete information about your situation
- ensure your legal representative has accurate and complete information about your situation

STRENGTHS AND WEAKNESSES

You have the right to:

- the recognition of both your strengths and weaknesses
- to have change and positive steps acknowledged and taken into consideration when decisions are made about the care of your children
- have child protection workers be responsive to changing circumstances and be a part of a resolution
- have child protection workers recognise the structural (socio/economic) constraints which affect your ability to change, and offer support resources to enable you to overcome the constraints so far as is possible.

It is your responsibility to:

- recognise and consider your strengths
- recognise and acknowledge your weaknesses and address them
- ensure Child Protection Services are aware of all the services you receive
- ensure Child Protection Services are aware of positive changes you have made
- embrace change and be part of solutions

PRIVACY

You have the right to:

- protection of your personal privacy
- privacy and confidentiality of your personal information
- access your records in accordance with the *Freedom of Information Act 1989*

It is your responsibility to:

- not breach the privacy of child protection workers by approaching them or identifying them in a public place

APPENDIX C

Next Steps is guided by a set of shared principles that set the tone for how ACT Government agencies interact with service partners and with people accessing support services.

NEXT STEPS GUIDING PRINCIPLES

CHILD, YOUTH AND FAMILY CENTRED

In implementing Next Steps, we will ensure all aspects of the service system are sensitive and responsive to the needs of children, young people and their families. The voices of children, young people and families will be central in decision making. We will require services to focus on the safety and wellbeing needs of children and young people in the context of their families and build on families' strengths to achieve positive outcomes.

EVIDENCE LED

Next Steps draws an evolving evidence base about best practice in child and youth protection and early family support. In implementing Next Steps, we will require services to use evidence informed and an evidence-building approach to improving outcomes for children, young people, families and carers.

RESTORATIVE

Restorative practice recognises that relationships are central to our wellbeing. Where relationships are valued, problems are solved jointly and every person is treated with respect, care and dignity. These relationships are with children and young people, with their parents and carers, and between service providers. Restorative practices are underpinned by respectful partnering relationships that are maintained through shared and accountable decision making. Restorative behaviour management practices are important to the delivery of residential care and youth justice services that are trauma informed and therapeutically focused.

DIGNITY DRIVEN

Dignity driven practice understands the importance of individual agency and focuses on recognising and supporting the actions of children, young people and their families to resist violence, oppression, suffering or harm. It supports families and carers to be part of decision making in a way that doesn't increase their vulnerabilities.

TRAUMA INFORMED

Care that is trauma informed and therapeutically focused recognises that children in the out of home care system are affected by significant or cumulative trauma. It also recognises that parents and carers often have their own experience of trauma and that interacting with the statutory child protection system can create further trauma for families, carers and those who work in the sector or support families engaged with it.

CULTURALLY SAFE

Next Steps recognises that cultural safety requires strategic and institutional reform to remove barriers to the health, wellbeing and safety of Aboriginal and Torres Strait Islander peoples, including supporting self-determination through family-led decision making. The further development and engagement of Aboriginal and Torres Strait Islander community-controlled services—as recommended under *Our Booris, Our Way*—is vital to building a culturally safe system for First Nations families, children and young people.

DISABILITY INFORMED

Under Next Steps, child and youth protection and commissioned services will take a strengths-based approach to working with children, young people, birth families and carers with disability and people experiencing mental health challenges.

ACCOUNTABLE

Transparency and accountability help build trust in government services. While agreement will not always be reached when complex and difficult decisions are being made about the best interests of children, everyone involved should experience the process as fair and transparent. Building on existing accountability through oversight agencies, Next Steps will increase transparency in decision making in partnership with those agencies and commissioned services. Next Steps recognises that the *Human Rights Act 2004* underpins all reforms and the day-to-day decision making to ensure there is appropriate consideration of how decisions affecting children and young people impact on their human rights.

LINKS TO MORE INFORMATION

Analysis of ten existing charters across six Australian jurisdictions shows a range of rights are covered in multiple subject areas. These include charters for:

- people who experience mental health issues in the ACT
- children in detention in the ACT
- foster carers in
 - South Australia
 - Western Australia
 - New South Wales
 - Northern Territory
- people in aged care across Australia
- people engaging in healthcare services across Australia
- Australian taxpayers
- detainees in the ACT.

Many jurisdictions, including the ACT, also have charters of rights for children and young people in out of home care.